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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,798

02/11/2004

Larry R. Czerwonka

S679-J

4886

28040

7590

01/23/2006

BRUCE A. JAGGER

6100 CENTER DRIVE

SUITE 630

LOS ANGELES, CA 90045

EXAMINER

AVELLINO, JOSEPH E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,798

Applicant(s)

CZERWONKA, LARRY R.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004. 11/14/05 A
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,6 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 5, 6, and 8 are presented for examination; claims 5, and 8 independent.

The Office acknowledges the addition of independent claim 8 and the cancellation of claim 4.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5, 6, and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

4. Claims 5 and 8 recite the limitation of updating/altering the screen space area "at any time from any location". A broad interpretation of this limitation would be from any point, past, present, or future, at any location, in the known or unknown universe.

Applicant does not disclose this particular feature, nor provides to one of ordinary skill in the art that it is feasible. Applicant is requested to amend this to comply with the

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specification such that the location is any location connected to the Internet as is enabled in the specification. Correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Que (Platinum Edition using HTML 4, XML, and Java 1.2, Published December 23, 1998, specifically chapter 7) (hereinafter Que).

6. Referring to claim 5, Que discloses a method of distributed screen space content control comprising:

collecting first information (i.e. first webpage) from a first provider (i.e. the provider of the navigation frame of Figure 7.1), collecting second information (i.e. content frame) from a second provider (i.e. web server for the provider frame of Figure 7.1) that is associated with a web site (i.e. the University of Portsmouth web page as shown in Figure 7.1), said web site being under the control of an operator (i.e. it is inherent that any web page is under the control of an operator), said first information being different from and collected separately from said second information (i.e. it is

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inherent that two separate requests are needed to get both pages, one for the webpage contained in the navigation frame, and another request for the content frame), said information being collectable independent of said operator (i.e. other web browsers are capable of obtaining this information if they know the URL of the content in the frame) (Chapter 7, "Introduction to Frames");

executing computer code on said computer to control said web site, said control including separating said web site into at last two discrete regions (i.e. the navigation frame, and the content frame), and providing for the separate control of each of said discrete regions (i.e. the navigation frame can insert content into the content frame) (Chapter 7, "Setting up a Frames Document"; "Placing Content in Frames with the <FRAME> tag");

allowing said computer code to relate such first information to a first discrete region, and second information to said second discrete region (i.e. the frame automatically pulls the information to the web page).

Que does not explicitly state that the navigation frame and the content frame are provided by different providers, however Que does disclose that one "can load separate HTML documents into each frame" (Chapter 7, "Introduction to Frames", ¶ 4). This would lead one of ordinary skill in the art to create a framed document and insert any HTML page the user wanted from any web site (for example, in one frame inserting www.google.com and in the other frame inserting www.uspto.gov). Que further does not specifically disclose that the first information and second information are presented in response to passwords, however it is well known that web servers contain some form

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of security, which includes passwords (i.e. in order to upload a new HTML page, a page must be FTP'd to the directory, which would require password access). Therefore when google.com updates its website, it will provide the password associated with that particular web site. The same can also go for uspto.gov. Furthermore FTP works from any computer connected to the Internet provided the user knows the IP address of the web server to upload the web page. It would have been obvious to one of ordinary skill in the art to modify the teaching of Que to include different pages from different provider in order to allow the user to see different pages simultaneously, thereby providing the user with multiple instances of which to view web documents as supported by Que (Chapter 7, "Introduction to Frames", ¶ 4).

7. Claims 6 and 8 are rejected for similar reasons as stated above. Furthermore it is well known that it has been held obvious to duplicate structures for multiple effects. See *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8 (7th Cir. 1977). BY this rationale, multiple pages shown in Que can exist (i.e. the first one disclosed above, and another, with one frame showing www.google.com and another frame showing www.ibm.com). When google.com updates its web site, once presented in the frame for the user when the user selects each of the frame document, the updated google.com page will be distributed to every frame document which pulls the google.com page (i.e. the content of google.com is distributed to its discrete regions without affecting any of the rest of said web page without interaction between the first provide and any other provider or

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operator, this is done automatically upon loading by the browser) (Chapter 7, "Introduction to Frames", ¶ 4).

Response to Arguments

8. Applicant's arguments filed November 14, 2005 have been fully considered but are moot in view of the new grounds of rejection presented above.

9. In the remarks, Applicant argues, in substance, that (1) the advertisers of Gupta do not have exclusive control over the discrete space areas in which the advertisement appears.

10. As to point (1) the Office disagrees, Applicant's attention is directed to col. 6, lines 40-45 where it is taught that "the profile information may be forwarded to an advertiser...that forwards back an advertisement for the proxy to transmit to the user". This clearly shows that the advertiser clearly has control over the screen space areas as to which advertisement is to be shown. The proxy merely forwards the advertisement to the user, it does not filter it (col. 6, lines 43-44) as Applicant stated. The Advertisers can, in fact, alter a price in an advertisement (or substitute a new advertisement completely) by changing the calculations the advertiser does with the profile information gathered by the proxy. By this rationale, the rejection is maintained.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are

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interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

13. Applicant is requested to review the usage of the terms "web page" and "web site" in the claims. As such Applicant is confusing both terms (i.e. claim 5 "associated with a web site" should be a web page) since a web page is an internet document, and a web site is a plurality of web documents which do not necessarily have to be displayed simultaneously. Applicant is requested to amend the claims such that the web page is separated in to two discrete regions, as well as that the web site includes a plurality of web pages.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is strongly encouraged to review the documentation regarding Server Side Includes (SSI) as these features of web pages read upon the claimed limitations.

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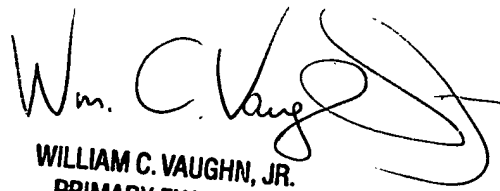
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA
January 3, 2006



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PRIMARY EXAMINER